



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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A.P. MOLLER-MAERSK A/S,

Petitioner,

-against-

07 Civ. 1750 (DAB)

ORDER

AGROWEST S.A., DOSVALLES S.A., and
COMEXA, S.A.

Respondents.

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DEBORAH A. BATTS, United States District Judge.

On February 28, 2007, Petitioner in the above-captioned case filed a Petition to Compel Arbitration ("Petition"), a Notice of Motion to Compel Arbitration, and accompanying papers. As an addendum to its Notice of Motion to Compel Arbitration, Petitioner indicates that each Respondent was sent a copy of the Notice of Motion by "Express Mail - DHL Courier". (See Notice of Motion, at 2.) However, Petitioner has not filed proofs of service of the Petition, the Notice of Motion, or of the accompanying papers.

Accordingly, Petitioner shall file proofs of service within thirty days of the date of this Order. Petitioner shall also serve Respondents and their Counsel with a copy of this Order within thirty days of the date of this Order.

If the proofs of service, once filed, indicate that Petitioner's Petition, Notice of Motion, and accompanying papers

filed on February 28, 2007 were served on Respondents more than twenty days prior to the date of this Order, Petitioner is hereby ORDERED TO SHOW CAUSE within thirty days of filing its proofs of service why its Petition should not be denied for failure to prosecute. See Lyell Theatre Corp. v. Loews Corp., 682 F.2d 37, 42 (2d Cir. 1982) (holding that a district court's authority to dismiss an action for plaintiff's failure to prosecute "cannot seriously be doubted").

If Petitioner fails within thirty days of the date of filing its proofs of service to either (1) show cause, or (2) move for default judgment against Respondents, Petitioner's Petition against Respondents shall be denied for failure to prosecute. Petitioner's showing of good cause, if any, shall be made by affidavit.

SO ORDERED.

Dated: New York, New York

May 17, 2007

Deborah A. Batts
Deborah A. Batts
United States District Judge